

STATE BOARD OF EDUCATION

STATE OF GEORGIA

M. B.,	:	
	:	
Appellant,	:	
	:	
vs.	:	CASE NO. 2002-20
	:	
DEKALB COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	DECISION

This is an appeal by M. B. (Student) from a decision by the DeKalb County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him for the remainder of the 2001-2002 school year, with the option of attending alternative school during the expulsion period, after finding him guilty of possessing an electronic paging device, refusing to follow instructions, skipping class, and violating a system-wide probation. The Student claims that the punishment was too harsh. The Local Board's decision is sustained.

On September 10, 2001, an assistant principal and a resource officer wanted to search the Student's car after receiving reports that the Student had a gun on campus. The Student fled the school in his car without allowing a search of the vehicle. Just before he fled, the Student called on a cellular telephone and continued to use it when told by the assistant principal to stop. A student disciplinary tribunal expelled the Student for the remainder of the 2001-2002 school year, with the option of attending alternative school, after finding him guilty of possessing an electronic paging device, refusing to follow directions, skipping class, and violating a system-wide probation that resulted from a previous incident. The Local Board upheld the tribunal's decision and the Student filed an appeal with the State Board of Education.

On appeal to the State Board of Education, the Student complains that the punishment was too harsh. The State Board of Education, however, cannot adjust the level or degree of discipline imposed by a local board of education. *B. K. v. Bartow Cnty. Bd. of Educ.*, Case No. 1998-33 (Ga. SBE, Sep. 10, 1998). The Student has not shown that the Local Board abused its discretion.

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board acted within its authority. Accordingly, the Local Board's decision is **SUSTAINED**.

This _____ day of March 2002.

Bruce Jackson
Vice Chairman for Appeals